

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13918, as amended, of the Government of the District of Columbia, pursuant to Paragraph 8207.11 and Sub-section 8207.2 of the Zoning Regulations, to subdivide the former Corcoran School property into seven theoretical building sites (A through G), requiring:

1. A variance because proposed Site B, to be used for offices, does not meet the lot occupancy requirements (Sub-section 7615.2 and 3303.1);
2. A variance to permit structural alterations to the existing structure on proposed Site B housing a non-conforming office use (Sub-paragraph 7106.111);
3. A variance because proposed Site G, to be developed with a rowhouse, does not meet the front yard requirements (Sub-section 7615.3); and
4. For proposed Site A, a special exception under Paragraph 7613.12 to extend the provisions of the less restrictive D/C-2-A District thirty-five feet into the more restrictive R-3 District, and for proposed Sites B through G, a special exception under Paragraph 3101.49, both to permit an accessory parking garage below grade in the R-3 District to serve a commercial structure and an apartment house;

all to continue the non-conforming use of the existing Corcoran School as an office building, to construct five rowhouses at the rear and to construct a commercial building and apartment house facing M Street, all in the D/C-2-A and R-3 Districts at the premises 2715 M Street and 1209-1219 28th Street, N.W., (Square 1214, Lot 816).

HEARING DATE: February 23, 1983  
DECISION DATE: April 6, 1983

FINDINGS OF FACT:

1. The subject property is located on the north side of M Street between Rock Creek Park and 28th Street, N.W. and is known as premises 2715 M Street and 1209-1219 28th Street, N.W.

2. The site is irregularly shaped, containing approximately 32,364 square feet of land area. It has approximately 122.9 feet of frontage on M Street and 100 feet of frontage on 28th Street. The site is improved with the brick three-story Corcoran School constructed in 1889 located on the northwest corner of the site. The remainder of the site is paved with asphalt and contains seventy-seven parking spaces. The site is four to six feet below the level of M Street on the south, and as the topography increases in elevation toward the north, the site is thirteen feet below the street level at its northwest corner.

3. Immediately to the north of the site are the rear yards of two and three story residential dwellings with frontage on Olive Street, N.W. To the east is Rock Creek Park which rises six feet to a path and then falls off rapidly to Rock Creek Parkway and Rock Creek itself, thirty-five feet below the site. Across M Street to the south is a gasoline station. To the southwest, south of the intersection of M Street and Pennsylvania Avenue, is the Four Seasons Hotel. A two-story structure adjoins the southwestern corner of the site and contains the Hunan Garden Restaurant. To the west across 28th Street are two-story commercial structures with frontage on M Street and row dwellings to the north on the west side of 28th Street.

4. The site is split zoned, with D/C-2-A on the south to a depth of approximately sixty-two feet from the M Street right-of-way line. The remaining northern portion of the site is zoned R-3. The D/C-2-A zoning on the site is the eastern end of a long series of commercial uses along M Street in Georgetown. The depth of the D/C-2-A District from M Street on the subject site is shallower than the D/C-2-A zoning west of the site.

5. The site is a part of the Georgetown Historic District. Development of the site will require the approval of the Commission of Fine Arts, under D.C. Law 2-144 which requires that new construction be found to be not incompatible with the existing design character of the historic district. The Commission of Fine Arts, on September 28, 1982, found no objection to the concept of renovation to the Corcoran School and new construction except that additional study be made of the fenestration of the proposed office structure and mansard roof detail.

6. The Corcoran School was used as an elementary school until 1951 when jurisdiction was transferred to the Board of Commissioners for municipal purposes. It was used by the Red Cross as offices until 1953 and has been used by the Department of Transportation (DOT) as offices since then. The DOT used the school as a base of operations for

about 100 employees, and at any one time there were approximately eighty to 100 vehicles parked on the site. The property was declared surplus by the District and sold at auction late in 1982 to the Hotel Employees and Restaurant Employees International Union.

7. The Hotel Employees and Restaurant Employees International Union, hereinafter referred to as HEREIU, is the contract purchaser of the subject property. The HEREIU contracted with Corcoran Limited Partnership to develop the project. The HEREIU will retain and occupy the Corcoran School for its office headquarters. The use of the Corcoran School for offices may continue as a matter-of-right. The HEREIU will eventually own the land of the Corcoran School with an option to buy the building within ten years. The Corcoran Limited Partnership will own the remainder of the project.

8. The project proposes to renovate and redevelop the Corcoran School and its site. Five row dwellings are proposed to be constructed on the northeast portion of the site and a mixed-use structure of office, retail and apartment uses is proposed to front on M Street. A single level below-grade parking structure will extend throughout the site except below the existing school and will provide off-street parking and loading facilities. A landscaped plaza will be provided between the townhouses and the mixed-use structure fronting on M Street. The plaza will serve as access to the front of the townhouses and the rear of the mixed-use building. The project will be screened from adjoining properties by the use of fencing to be located predominantly along the northern and eastern property line.

9. The site would be subdivided into seven theoretical building sites. Theoretical site A lies in the D/C-2-A and R-3 Districts and has a lot area of 14,102 square feet. This portion of the site fronting on M Street will contain a new building of office and retail space, totaling 21,000 gross square feet, and also containing eight apartment units totalling 8,000 gross square feet. Entrance to the commercial space will be from M Street and entrance to the residential units will be from a mews on the interior of the site north of the proposed structure. The building will be located entirely in the D/C-2-A District and will comply with the height and bulk requirements of that District. The building is designed in an architectural style which is compatible with the late Victorian character of the adjacent buildings in the Georgetown Historic District. The building will step down from four stories on the east to two stories on the west where it abuts an existing two story brick commercial structure. The building is substantially below the height permitted. No Board relief is needed for the proposed structure or its use. However, relief is needed to

permit accessory parking in the below-grade garage, portions of which will be in the R-3 District, to serve the mixed-use structure and other structures on the site.

10. Theoretical site B lies entirely in the R-3 District and is the location of the existing Corcoran School. The area of site B as originally proposed was 8,729 square feet. Approximately 17,600 gross square feet of office space will result, within one-third of it below the entrance level. It is expected that the building will house a maximum of forty-five employees. Certain structural alterations are required to return the School to active use. Structural alterations are necessary to accommodate a new heating, ventilation, and air-conditioning system and to provide a new elevator and bathroom service core to enable the building to meet the requirements of the Architectural Barriers Act of 1980 as well as make it functional for contemporary office space. There are four classrooms on each floor. Each classroom will be restored and small partitions will be used for office layouts.

11. Theoretical sites C through G all lie within the R-3 District and are proposed to be developed as five three-story rowhouses, one unit per lot in accordance with the R-3 District. Approximately 13,700 gross square feet of residential space will be created with access from the internal mews on the south side of the proposed structures. Theoretical sites C through F are virtually identical in shape and area, each containing 2,000 square feet. As originally proposed, due to the irregularity of the eastern lot line adjacent to Rock Creek Park, site G was a triangular lot containing 1,533 square feet in area. The creation and development of site G is necessary economically to the overall project due to the high cost of renovating the Corcoran School.

12. Each of the townhouse units proposed for Sites C through G has been designed in a manner so as to be in keeping with the architectural quality of the surrounding Georgetown Historic District. This residential portion of the historic district is characterized by Victorian era brick townhouses ranging in height from two to three stories and featuring projecting ornamentation. The proposed new designs utilize the architectural features characteristic of the surrounding era of Georgetown, including projecting turrets at the corner of the row, and window and balcony projections. Because of these architectural embellishments, designed to make the new project both marketable and compatible with the historic character of Georgetown, the front yard requirements are not met. Measuring from the projections, only a fifteen foot yard is technically provided as opposed to the twenty feet required for proposed

site C through F. However, as a practical matter more than a twenty foot front yard will be provided. If the land area were located on a public street system, the turrets would be permitted as a matter of right as projections into public space.

13. Proposed site G of 1,533 square feet is similar in area to, if not larger than, similar existing lots in the subject square and the Georgetown area in general.

14. The re-alignment of the eastern property line of the subject site is the result of an agreement between the District Government and the U.S. Department of Interior. The eastern property line was re-aligned as a straight line. Approximately 754 square feet of land area was removed from the subject lot and approximately 762 square feet of land area would be given up by the Park Service to the site. However, there is some dispute over the land given up by the Park Service.

15. The proposed layout of uses on the site will create a transition of uses moving east to west and north to south across the site.

16. The applicant has applied to have the Corcoran School placed on the National Register of Historic Places.

17. The construction of the project will begin with the restoration and renovations of the Corcoran School. The remainder of the project will be constructed in a single phase.

18. The project will generate \$150,000 in real estate taxes and \$1.8 million from the sale of the property.

19. Fifty-six off-street parking spaces will be provided in the parking garage. Forty-four spaces will be the required nine feet by nineteen feet and twelve spaces will be eight feet by nineteen feet. Access to the garage will be by a two-way entrance/exit from 28th Street. The proposed entrance will be the result of expanding the existing vehicle entrances to the site.

20. The applicant's traffic consultant testified that the proposed development will generate a demand for forty-four off-street parking spaces. The building on site A will have fifty-one employees while the School building will have forty-five employees, totalling ninety-six employees for the project. Using the Council of Governments modal split formula and automobile occupancy rate of 1.35 persons per car, thirty cars will be generated by the proposed commercial component of the project. Fourteen residential units will be developed. Using D.C. Department of Transportation's report of one car per unit in the

Georgetown area, fourteen off-street spaces are needed for the project's residential component.

21. 28th Street is a two-lane, two-way collector street, twenty-nine feet wide. Residential sticker parking is permitted at all times, except in a loading zone on the east side of the street between the existing entrance to the site and M Street.

22. M Street is a minor arterial with an average weekday traffic volume of 28,100 vehicles in the vicinity of the site. To the east of 28th Street, M Street is forty feet wide, and provides three lanes of one-way westbound traffic. Residential sticker parking is permitted on the north side of the street. West of 28th Street, M Street is divided by a triangular island into two twenty-five foot wide segments, before merging with Pennsylvania Avenue, at 29th Street, into a sixty foot wide two-way street. To the north of the island, one-hour metered parking is allowed on both sides and one lane of traffic exists; to the south, parking is prohibited, and there are two lanes of one-way traffic.

23. Pennsylvania Avenue is a principal arterial with an average weekday traffic volume of 24,300 vehicles near the site. Pennsylvania Avenue is fifty feet wide and provides two eastbound and two westbound lanes of traffic. Parking is prohibited on the bridge crossing the Rock Creek and Potomac Parkway east of 28th Street. West of 28th Street, one-hour metered parking is allowed on the south side of Pennsylvania Avenue.

24. The site is adequately served by public transportation with the nearest Metrorail station, the Foggy Bottom/George Washington University Station, at 23rd and I Streets, N.W. During rush hours, the D-3 Metrobus route runs along Pennsylvania Avenue to the Foggy Bottom Metro Station every twenty minutes. The site is also served by the Pennsylvania Avenue Metrobus lines 30, 32, 34 and 36 routes which stop at 28th Street and Pennsylvania Avenue every five to eight minutes during the day and evening and every half hour at night.

25. The D.C. Department of Transportation, by memorandum dated March 10, 1983, concluded that the proposed project will have a negligible impact on the traffic operation on the adjoining and neighboring streets. The DC Department of Transportation determined that thirty-five off-street parking spaces for the office use and thirteen spaces for the residential use totalling forty-eight spaces are needed, while fifty-six spaces are provided. The DOT recommended that thirty-five spaces be allocated to all-day office parking and eight spaces be reserved for short-term

office visitors. Parking for residential guests will be available when long-term spaces are vacated after office working hours.

26. The D.C. Department of Transportation determined that the proposed development will lessen the level of traffic to and from the site. The previous use as offices for DOT generated between sixty and seventy vehicles during each peak hour. The DOT estimated that the total number of morning and evening peak hour trips generated by the subject development will be thirty-five. This trip generation level will have a negligible impact on the surrounding streets.

27. The D.C. Department of Transportation supported the proposed continued use of the existing driveway on 28th Street for vehicle access as opposed to new access from M Street. The DOT determined that eastbound motorists exiting from the site through a driveway on M Street would have to weave across three moving lanes to turn left at 28th Street, and left again on Pennsylvania Avenue. This movement cannot be performed safely during peak hour periods. The alternative route for eastbound traffic exiting from M Street would be to turn north onto 28th Street. This is contrary to DOT policy of protecting residential streets against the intrusion of commercial vehicles. Providing access from 28th Street would grant vehicles leaving the site a choice of how to proceed to their destinations. Eastbound vehicles could turn left onto Pennsylvania Avenue from 28th Street, instead of having to detour through residential streets. Accordingly, commuter traffic in Georgetown would be reduced.

28. The D.C. Department of Transportation agreed with the applicant that an off-street service delivery space of ten feet by twenty feet be provided on-site. The Board concurs with all of the DOT's findings and recommendations.

29. The Office of Planning, by memorandum dated February 16, 1983, recommended conditional approval of the application. The Office of Planning reported that the project, as a whole, was extremely well conceived in terms of its mix of uses and design to serve as an important gateway to historic Georgetown on the subject site. Development of the site is supported by City policies in which surplus public property is returned to private ownership to foster more productive use of the limited land resources within the District. The Office of Planning noted that the application is particularly complex because the relatively small site is mapped with two different zone districts and because of the importance of preserving the existing Corcoran School building to house a continuing non-conforming office use. The Office of Planning believed that the project generally met the intent of the Zoning Regulations.

30. The Office of Planning reported that two area variances are required to bring the old Corcoran School building up to code and to enable it to meet the standards for functional private office space in Georgetown, on a theoretical lot which does not have enough land area to meet lot occupancy requirements. The Office of Planning noted that the total project almost meets composite lot occupancy requirements. The Office of Planning found a practical difficulty in the age of the building and the fact that matter-of-right development of the remainder of the site results in a theoretical lot which is too small.

31. The Office of Planning further reported that area variances are required because the front yards of the five rowhouses are five feet too short due to projections important to their design concept and because Site G is 467 square feet short of the required minimum lot size. The practical difficulty results from the thirty-five foot extension of Site A used in an effort to meet on-site parking needs and because of the irregular shape of Site G created by its adjacency to Rock Creek Park.

32. The Office of Planning noted that in order to permit construction of the necessary underground level of parking, some of it under the R-3 portion of the total site, a special exception is required for the first thirty-five feet of depth into the R-3 District and either a use variance or special exception for parking under the remainder of the R-3 District. The Office of Planning was of the opinion that the thirty-five foot extension of the C-2-A District would have no adverse impacts other than limiting the potential for landscaping and a possible visual impact at the entrance on 28th Street. These impacts could be ameliorated by the appropriate design. While the use variance for parking under Sites C-G could be granted because of the exceptional and undue hardship of having to forego continuous office use, or any other use, of the Corcoran School building without on site parking, the Office of Planning recommended that the applicant seek a special exception in lieu of the use variance. The special exception could be granted under Paragraph 3101.49 because the garage is contiguous to the buildings it would serve and it is impracticable to locate parking on the Corcoran School building lot. There would be no significant adverse impacts on the neighborhood. The Board generally concurs with the findings of the Office of Planning.

33. In response to a request by the Board, the applicant restudied the configuration of theoretical lots C through G at the northeast section of the site proposed for row dwellings. As originally advertised, the application required variance relief for lots C through G from the front yard requirements pursuant to Sub-section 7615.3 and as to



minimum lot area requirements under Sub-section 3301.1, for lot G. The proposed revised site plan eliminates the lot area and lot occupancy relief sought for theoretical lot G and eliminate the front yard relief sought for lots C through F.

34. As advised by the Zoning Administrator, the applicant may effectuate its underground parking garage lying on portions of lots B through G by the granting of a special exception pursuant to Paragraph 3101.49 as an alternative to variance relief from Sub-section 7613.12 as advertised. The Board granted the applicant's motion to amend its application and finds that the applicant is seeking a special exception pursuant to Sub-section 3101.49 to permit an accessory parking garage below grade in the R-3 District to serve a commercial structure located in the D/C-2-A District.

35. The applicant has revised its plans pertaining to the recommendations of the D.C. Department of Transportation as stated in Findings No. 25 and 28, regarding the underground parking garage proposed to be constructed on portions of lots A through G so as to provide thirteen spaces for residential use, thirty-five spaces for office workers and eight spaces for office visitors and to provide one off-street service delivery bay, which measures 17.5 feet by twenty feet.

36. As revised, theoretical site A contains 13,571 square feet of land area, of which 5,696 square feet is in the R-3 District and 7,875 square feet is in the C-2-A District. The mixed use structure is proposed to be constructed in the C-2-A portion only. A maximum lot occupancy of sixty percent, or 8,142.6 square feet, is allowed and 5,776.3 square feet is provided. A maximum total floor area ratio of 2.5 or 23,105 square feet is allowed and is provided. Five off-street parking spaces are required for the apartment house and are provided. Twenty-three off-street parking spaces are required for the office use and are provided. No loading berths are required and one is provided. A rear yard of fifteen feet is required and is provided.

37. Theoretical site B is in the R-3 District and is required to have a minimum lot area of 4,000 square feet. As revised, the site contains 8,793 square feet. A minimum lot width of forty feet is required and 84.51 feet is provided. A maximum lot occupancy of forty percent or 3,517.2 square feet is allowed, and 5,892 square feet is provided requiring a variance of 2,374.8 square feet or 67.5 percent. A minimum rear yard of twenty feet is required and is provided. A minimum side yard of eight feet is required

if a side yard is provided, and 15.7 feet is provided. In addition, site "B" will be provided with twenty-four off-street parking spaces.

38. Theoretical sites C through F are in the R-3 District. A minimum lot area of 2,000 square feet is required. As revised, that area is provided. A minimum width of twenty feet is required and 23.92 feet is provided. A maximum lot occupancy of sixty percent or 1,200 square feet is allowed and 943.4 square feet is provided. Minimum front and rear yards of twenty feet are required and are provided. At least one parking space per lot or dwelling is required and is provided.

39. Theoretical site G is in the R-3 District. A minimum lot area of 2,000 square feet is required, and as revised, is provided. A minimum lot width of twenty feet is required and an average of 23.96 feet is provided. A maximum lot occupancy of sixty percent or 1,200 square feet is allowed, and 1,016 square feet is provided. A minimum rear yard of twenty feet is required and is provided. A minimum front yard of twenty feet is required and none is provided requiring a variance of 100 percent. At least one parking space is required and one is provided.

40. Two residents of the 2700 block of Olive Street testified in support of the application. One person resides at 2706 and the other at 2720, who also represented two other residents of 2714 and 2718 Olive Street. Their support was based on the following:

- a. The proposed development will enhance the neighborhood by removing an eye sore and proposing a compatible use and design.
- b. The site design of the proposed row dwellings will continue to allow light and air to the rear of their Olive Street homes.
- c. The project will provide security to the rear of the Olive Street homes.

41. Letters in support of the application indicating that the project will improve the neighborhood access and service to the property and the "gateway entrance" to Georgetown were received from owners of the following properties:

- a. 1201, 1205 and 1207 28th Street;
- b. 2728 Olive Street;
- c. 2720 Olive Street;

- d. 2706 Olive Street;
- e. 2718 Olive Street;
- f. 2724 Olive Street;
- g. 2714, 2710, 2708 Olive Street and 1225 28th Street; and
- h. 2722 Olive Street.

42. The owner of 1221 28th Street, N.W. testified in opposition to the application, particularly to the proposed main entrance to the Corcoran School on the north side of the building. Premises 1221 abuts the subject site immediately to the north parallel to the proposed entrance walkway. The owner believed that the walkway would be a nuisance to himself and his tenants at 1221 28th Street, the entrance to which is on the south side. It would destroy the privacy of his home since his dining, living room and kitchen windows face the proposed entrance.

43. The owner of 2803 M Street, N.W., located at the northwest corner of the intersection of 28th and M Streets, testified in opposition to the application. The owner objected to the vehicle entrance on 28th Street and suggested that the entrance should be moved to M Street. The owner was of the opinion that said entrance would compound an already existing traffic problem on 28th Street and disrupt service to existing buildings.

44. Residents of 1218 and 1222 28th Street testified in opposition to the application on the basis that the project would create objectionable noise, traffic and congestion and represents excessive development on the site.

45. A petition signed by seventy-five neighborhood residents in opposition was filed into the record. A letter in opposition was received into the record from the agents of the owner of 2726 Olive Street, N.W. stating the project will add to existing problems of traffic congestion and the lack of on-street parking. However, they did not oppose the continued use of the Corcoran School for offices.

46. A representative of the Citizens Association of Georgetown testified in opposition to the application on the following basis:

- a. The applicant has created self-imposed hardships in the layout of the theoretical lots and is not entitled to any variance relief. The Association's policy is to oppose variances.

- b. The height of the proposed mixed use building on site A is excessive and a lower structure of two to three stories is more appropriate as an architectural statement at the eastern entrance to Georgetown.
- c. The traffic generated by the proposed project will have an adverse impact on the residential character of the neighborhood to the north of the site. If access to the project were from 28th Street, the Association recommended the following conditions: (1) no left turn into the garage south bound on 28th Street, and; (2) no right turn from the site when exiting onto 28th Street.

47. Advisory Neighborhood Commission 3A, by letter dated February 9, 1983, stated its opposition to the application on the grounds that the project represents over development of the site which is not in harmony with the zone plan and which would impair the present use and future development of the surrounding neighborhood. The proposed mixed use building is too large for the site in height, bulk and intensity of uses. The office use of the Corcoran School and the row dwellings are not consistent with the intent, purpose and integrity of the zone plan. The variance requested are the result of self-imposed difficulties and should not be granted.

48. The Board is required by statute to give great weight to the issues and concerns of the ANC. In response to the issues raised by the ANC and other opponents, the Board does not concur with the ANC's recommendation and the opposition's views except for the recommendation of the Citizens Association of Georgetown regarding the vehicle access from 28th Street. The Board finds as follows:

- a. The mixed use building on M Street offers an appropriate architectural solution in design and height as a gateway entrance into Georgetown as determined by the Commission of Fine Arts. The mixed use building may be constructed as a matter-of-right having been designed within the permitted height and bulk limitations. The height of the structure steps down from a maximum height of fifty feet on the east to a lower height consistent with the existing two-story structure to the west.
- b. The continued use of the Corcoran School as offices and the development of the row dwellings are consistent with the intent, purpose and integrity of the zone plan. The row dwellings are permitted uses in the R-3 District and provide a reasonable transition and in-fill of housing units

to create a balanced solution to the cost of the Corcoran School restoration without over-intensification of the site. The Corcoran School, while in the R-3 District, has been used as offices for the past thirty-two years. Most of that time, it was occupied by approximately 100 employees. The proposed continued use of the school as offices will have a maximum occupancy of forty-five employees. This will significantly reduce any adverse impacts on adjoining and nearby property.

- c. As to the self-imposed difficulties, the variance requested are area variances. The Courts have applied the self-imposed hardship doctrine to use variances only. Area variances must be founded on a practical difficulty inherent in the property itself. As requested by the Board, the number of variances have been reduced by further re-drawing of theoretical lots. The Board views the proposed development as one, as opposed to individual or isolated uses and lots. The development is a mix of uses having common and integrated facilities designed to promote greater efficiency between uses. The existence of the Corcoran School pre-dating the existing Zoning Regulations in its deteriorated condition requires a variance to permit structural alterations to comply with existing Building Code Requirements. The configuration of the subject lot 816 is irregular and is not conducive to uniformly and evenly subdivided theoretical lots. The Board finds that these are conditions inherent in the property itself, and that strict application of the regulations would impose a practical difficulty on the owner of the site.
- d. As to the issue of the main entrance being located on the north side of the Corcoran School instead of the south side, the Board finds that the location of the main entrance to the Corcoran School on the north side of the building is appropriate. It can not be located on the south side because of the widening of the existing vehicle entrance to the site from 28th Street. There is physically no space remaining to provide an entrance and walkway. Fencing of up to eight feet in height is to be located along the northern property line from Rock Creek Parkway on the east to 28th Street on the west to screen the subject site from adjoining properties. Particularly, the entrance and walkway to the Corcoran School will be screened from the adjoining property.

- e. As to the issue of the location of the vehicle entrance on 28th Street, the Board finds that the continued use of the 28th Street entrance is appropriate and is in agreement with the D.C. Department of Transportation's view as stated in Finding No. 27.
- f. As to the issues of traffic, parking and loading, the Board finds that the development will lessen traffic and parking needs on nearby streets. The applicant has provided more than the required number of off-street parking spaces. The project will generate fewer vehicle trips than the previous use. The Board concurs with the findings of the applicant's traffic expert and the D.C. Department of Transportation. An off-street service delivery space will be provided in the garage and all servicing activities will occur on-site. Thus, servicing of the project will not adversely affect adjoining streets. The Board will further impose a condition on the grant of the application to prevent traffic from adversely impacting on the residential streets to the north.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant has modified its application to eliminate the area variance relief pertaining to theoretical site G as to lot area and lot occupancy and lots C through F as to required front yards. The Board concludes that the applicant is seeking a special exception pursuant to Paragraph 4101.49 rather than variance relief from 7613.12 in order to effectuate its scheme for an underground garage serving the entire site. Accordingly, the Board concludes that the applicant is seeking one special exception pertaining to the underground parking garage, and three area variances: one pertaining to the prohibition against structural alteration of nonconforming uses as to the Corcoran School site, one as to percentage of lot occupancy also for the School site, one as to percentage of lot occupancy also for the Corcoran School site, and one as to depth of front yard as pertains to theoretical site G for proposed new townhouse construction.

The Board concludes that the applicant has complied with the requirements of Paragraph 8207.11 so as to be entitled to variances from the strict requirements of Sub-section 7615.2 and 3303.1 as to percentage of lot occupancy and Sub-paragraph 7106.111 as pertains to structural alteration of a building housing a non-conforming use for site B. The existing Corcoran School was constructed prior to the adoption of the present Zoning Regulations which constitutes a unique condition for which

variance relief is appropriate. Denial of the variance, which is minor in nature as it relates to the project as a whole, would create practical difficulties and work an undue hardship on the applicant which is seeking to rehabilitate the deteriorated structure according to historically appropriate standards as well as the requirements of the Architectural Barriers Act of 1980 and other Code provisions.

Further, the Board concludes that the requested relief on theoretical site B can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose or integrity of the Zoning Plan. There will be virtually no exterior changes to the historic fabric of the building. The percentage of lot occupancy for the entire project as a whole is less than that which is permitted. The plan effectuates the removal of existing atgrade parking to an enclosed underground facility which will be less intrusive upon the residential character of the surrounding neighborhood.

The Board also concludes that the applicant has complied with the requirements of Paragraph 8107.11 so as to be entitled to variance relief from strict compliance with the requirements of Sub-paragraph 7615.3, which requires that a minimum front yard of twenty feet be provided on this site for theoretical site G. The site is affected by extraordinary conditions as stated in Finding No. 48. The new construction for this site is governed by the provisions of D.C. Law 2-144, which requires that new construction be found to be not incompatible with existing design character of the Georgetown Historic District. Denial of the variance which is minor in nature, would create practical difficulties and would work an undue hardship on the applicant, which has provided a conforming front yard on Lots C-F.

The Board also concludes that the requested relief may be granted without substantial detriment to the purpose and integrity of the zoning plan, in that the area that this portion of the subject site is adjacent to open parkland on the east. Also, as a practical matter more open space is provided in the front and rear yards and adjoining central court area at this portion of the subject site.

As to the special exception for the accessory parking, the Board concludes that the applicant has met the criteria of Paragraph 3101.49 for the following reasons. The proposed accessory parking garage will be in a portion of the lot contiguous to and within 200 feet of the principle use it serves. The provisions of Article 74 regulating parking lots will be complied with. It is impractical to locate additional parking spaces serving commercial uses entirely within the commercial section of the subject site,

because of the narrowness of the D/C-2-A strip-zoning of the subject site. Such underground parking spaces are so located as to be least objectionable to nearby property owners because of noise, traffic and other conditions. There will be no undue traffic burden generated on 28th Street or elsewhere in the neighborhood by the existence of such garage. Also, the removal of the on-grade parking to this below-grade parking garage will increase the aesthetic appearance of the site. The Board also notes that the applicant is providing more off-street parking than is required in order to be responsive to the need for additional parking in the Georgetown area.


The Board is further of the opinion that it has accorded to the Advisory Neighborhood Commission 3A the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. Access to the development shall be from 28th Street. Traffic movement shall be restricted so that there shall be no left turn into the driveway from southbound 28th Street and no right turn northbound onto 28th Street when exiting the driveway.
2. Construction shall be in conformance with the revised site plan marked as Exhibit No. 42 of the record.

VOTE: 3-0 (Carrie L. Thornhill, William F. McIntosh and Charles R. Norris to GRANT; Walter B. Lewis not present, not voting and Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

JUN 28 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."



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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

13918order/LINDA8